

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. The application has been amended as follows:

- **TITLE – Please replace with the following:**

“Image Pickup System With Noise Estimator”

Response to Arguments

2. Applicant's arguments, filed May 26, 2010, have been fully considered and are persuasive. The rejection of **Claims 1, 27 and 28** has been withdrawn.

Election/Restrictions

3. **Claims 1, 27 and 28** are allowable. The restriction requirement filed July 7, 2007 has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Specifically, **Claims 4, 8, 9, 10, 14, 20, 21, 22, 26, and 31** require all the limitations of an allowable claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement, Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the

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claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

4. **Claims 1 – 32 (now respectively renumbered 1 – 3, 13, 15, 7 – 12, 4 – 6, 16, 20 – 27, 17 – 19, 28 – 31, 14 and 31)** are allowed. The following is a summary statement of the Examiner's reasons for allowance:

In summary, the closest prior art does not teach or fairly suggest an image pickup system that reduces noise in an image signal based on a noise estimate corrected by a shooting condition estimate.

Applicant is reminded that it is the language of the claims that is allowable. Thus, the above-statement should be construed as a summary of the novel subject matter rather than specific language that is allowable.

5. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P. Misleh whose telephone number is (571) 272-7313. The Examiner can normally be reached Monday - Friday between 8:30 AM - 3:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Justin P. Misleh/
Primary Examiner, Group Art Unit 2622
June 10, 2010**